



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 21, 1996

Mr. Richard J. Ybarra  
Open Records Coordinator  
General Counsel Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR96-1899

Dear Mr. Ybarra:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 37159.

The Office of the Attorney General has received a request for documents "regarding the jail suicide" of a particular individual that occurred in the Brown County jail. You have provided for our review the custodial death report which Brown County submitted to the Attorney General pursuant to article 49.18(b) of the Code of Criminal Procedure. You contend that section 552.101 of the Government Code in conjunction with article 49.18(b) of the Code of Criminal Procedure make confidential all but section I of the report. We agree.

Section I of the custodial death report is public. Code Crim. Proc. art. 49.18; Open Records Decision No. 521 (1989). Sections II through V of the report are confidential by law. Therefore, you must withhold sections II through V of the custodial death report pursuant to section 552.101 of the Government Code and article 49.18 of the Code of Criminal Procedure. See Open Records Decision No. 521 (1989).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Loretta R. DeHay". The signature is fluid and cursive, with the first name "Loretta" being more prominent and the last name "DeHay" following in a similar style.

Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/rho

Ref.: ID# 37159

Enclosures: Submitted documents

cc: Ms. Sylvia Cedillo  
Law Clerk  
Texas Civil Rights Project  
227 Congress, Suite 340  
Austin, Texas 78701  
(w/o enclosures)